IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Crl.MC.No. 546 of 2007()

CC.24/2006 of J.F.C.M (MARAD CASES) KOZHIKODE

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PETITIONER: 1ST ACCUSED

R.M.SAILESH KUMAR, S/O KARUNAKARAN,
SREEPADAM, RAMUNNY ROAD,
KARAPARAMBA P.O., KOZHIKODE DISTRICT.

BY ADV. SRI.WILSON URMESE

RESPONDENTS: STATE.

STATE OF KERALA,REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.(CRIME NO.346 OF 2004
TOWN POLICE STATION,KOZHIKODE).

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.546 of 2007

Dated this the 1st day of March, 2007

ORDER

The petitioner is an accused in a prosecution, inter alia, under Section 452 and 323 read with 149 I.P.C. The petitioner was granted anticipatory bail by the learned Sessions Judge. The petitioner has not been served with any summons. But he now finds a non bailable warrant issued by the learned Magistrate chasing him. The petitioner is prepared to surrender before the learned Magistrate. The petitioner, in these circumstances, prays that direction under Section 482 Cr.P.C may be issued to the learned Magistrate to save him from unnecessary arrest and detention.

2. I find no reason to invoke the powers under Section 482 Cr.P.C. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-